

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EDILBERTO GUEMBES HERNANDEZ,**

**Defendant.**

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**8:07CR371**

**ORDER**

This matter is before the court on the defendant's unopposed motion for extension of time to conduct discovery [22]. For good cause shown, the court finds that the requested extension should be granted.

**IT IS ORDERED** that the motion [22] is granted, as follows:

1. The defendant's trial setting will be determined on or after March 10, 2008.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **February 19, 2008 and March 10, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, as soon as is practicable.

**DATED January 15, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**